

REMARKS

Claim 13 has been amended, and claim 26 canceled. Care has been exercised to avoid the introduction of new matter. Specifically, claim 13 has been amended based on claim 26. Claims 13-25 are now active in this application, of which claim 13 is independent.

The following Remarks replace the Remarks in the Amendment filed November 18, 2008.

Interview

Applicants acknowledge, with appreciation, Examiner Addisu's courtesy and professionalism in conducting a telephone interview on October 7, 2008, during which the present Amendment was discussed. It is Applicants' understanding that Examiner Addisu indicated that amended claim 13 might be distinguishable over New (U.S. Patent No. 4,061,438).

Claim Objections

Claim 21 has been objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants respectfully traverse this objection. Claim 21 recites "a pair of opposed inner wall surfaces of said pocket extend substantially perpendicular to the direction...", whereas claim 1 recites, among other things, "portions of the inner wall of said pocket... are flat surfaces, ... and the flat surfaces extend in a direction substantially parallel to the longitudinal direction..." (emphasis added). Claim 21 specifically recites what "extend substantially perpendicular to the direction..."

Therefore, claim 21 is proper under 37 CFR 1.75(c). Withdrawal of objection to claim 21 is, therefore, respectfully solicited.

Claim Rejections - 35 U.S.C. §102

Claims 13-15 and 17-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by New (U.S. Patent No. 4,061,438).

Applicants submit that New does not identically disclose a vibration suppressing cutting tool including all the limitations recited in independent claim 13. Specifically, New does not describe, among other things, “the flat surfaces extend in a direction substantially parallel to the longitudinal axis of the shank,” as recited in claim 13.

The Office Action asserted, “the cutting tool is expected to generate vibrations causing displacement in the horizontal direction (arrow X below) during machining, whereby the vibration direction (X) is substantially perpendicular to the first and second flat inner wall surface (X1, X2)” (page 3 of the Office Action). However, even if it is assumed only for the sake of this response that what is described in the Office Action is proper, New’s disclosure does not meet the claimed limitation “the flat surfaces extend in a direction substantially parallel to the longitudinal axis of the shank.” Flat surfaces X1, X2, Y1, and Y2 shown in the figure on page 5 of the Office Action is not parallel to the longitudinal axis of the shank.

Based on the foregoing, New does not identically disclose a vibration suppressing cutting tool including all the limitations recited in independent claim 13. Dependent claims 14, 15, and 17-24 are also patentably distinguishable over New at least because these claims respectively include all the limitations recited in independent claim 13. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claim Rejections - 35 U.S.C. §103

Claims 16 and 25 stand rejected under 35 U.S.C. § 103(a) as being anticipated by New. These claims depend on independent claim 13. Applicants thus incorporate herein the arguments made in response to the rejection of independent claim 13 under 35 U.S.C. § 102 for anticipation evidenced by New. The Examiner's additional comments regarding the claims 16 and 25 do not cure the deficiencies of New. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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